

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Isaac Hubner on December 9, 2010.

The application has been amended as follows:

Claims 42 and 46 have been cancelled.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The closest prior art, Bolduc et al (3,972,331) discloses a dispenser (figure 1) with an expansion mechanism (39), whereby application of an actuation force (via 44, 51 and 53) to the device causes an expansion of the expansion mechanism to expand a cavity (22) and the device (distal portion of device shown in figure 1) to deliver substance into the cavity. However, Bolduc lacks a gas chamber containing whereby reducing volume in the gas chamber causes a seal element to open, whereupon a gas flow from the gas chamber acts to deliver substance from the delivery outlet. Brunet (EP 0407276 A2) teaches a device (Figure 2) with a gas chamber (1B) with a reducible volume that causes substance (18) to be delivered from its distal end. However, there is simply no teaching, suggestion or motivation to combine the intrauterine fluid dispenser disclosed

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by Bolduc with the nasal medicament dispenser taught by Brunet without the use of improper hindsight.

Therefore, claims 1-28, 30-42 and 45 have been found allowable over the prior art.

Conclusion

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bolduc et al (3,948,259); Bolduc (3,822,702); and Bolduc et al. (3,871,374) all disclose a device for delivering medicaments to a cavity of a patient with a distal end that expands the cavity of a user and the device while simultaneously dispensing a medicament.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLINTON OSTRUP whose telephone number is (571)272-5559. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Steven O. Douglas/
Primary Examiner, Art Unit 3771

/Clinton Ostrup/
Examiner, Art Unit 3771